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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,929	08/29/2002	Thomas V. Connelly JR.	717281.3	2353
27128	7590	03/22/2004	EXAMINER	
BLACKWELL SANDERS PEPER MARTIN LLP			LAWRENCE JR, FRANK M	
720 OLIVE STREET			ART UNIT	
SUITE 2400			PAPER NUMBER	
ST. LOUIS, MO 63101			1724	

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/064,929	CONNELLY, JR.	
	Examiner	Art Unit	
	Frank M. Lawrence	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 15, 19, 20, 22, 24, 25, 28, 29 and 33-46 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 12-14, 16-18, 21, 23, 26, 27 and 30-32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The limitations of claims 11, 29 and 43 that the halogen source comprises from about 5% to about 50%, by weight, of the tablet, does not have basis in the specification. Paragraph 0040 of the specification recites that the amount of pH compensating source may vary from as little as 5% by weight to about 50% by weight of the halogen source.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19, 28 and 33-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. Claim 19 recites the limitation "the alkali metal sulfate" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 19 should be amended to depend from claim 16 to overcome this rejection.

6. Claim 28 recites the limitation "the alkali metal bisulfate" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 28 should be amended to depend from claim 27 to overcome this rejection.

7. Claim 33 recites the limitation "the method" in line 1. There is insufficient antecedent basis for this limitation in the claim. The claim should be amended to recite "A method."

8. Claims 34-46 each recite the limitation "the tablet" in line 1. This limitation is unclear because it appears that each claim depends from and further limits the method claim 33. If this is not the case, the claims would be redundant of claims 2-14 by not further limiting the composition claim 1. The limitation should be amended to read "the method."

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 4, 6, 7, 11, 15, 20, 22, 24, 25, 29, 33, 34, 36, 38, 39 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Chun et al. (5,133,892).

11. Chun et al. '892 teach a machine dishwashing detergent tablet that can include a first layer containing one gram (about 4% of the total tablet) of sodium dichloroisocyanurate (acid in aqueous solution), about one gram of an intermediate polymer boundary layer having no treatment

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properties, and a third layer containing 23 grams of a mixture comprising 14% sodium carbonate (col. 22, lines 1-46).

12. Claims 1-6, 8, 11, 33-38, 40 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson et al. (5,407,598).

13. Olson et al. '598 teach an encapsulated source of active bleach in tablet form that can be used in bleaching processes such as laundry and dishwashing, comprising a core of a halogen source such as potassium dichloroisocyanurate, calcium hypochlorite, or lithium hypochlorite, surrounded by an encapsulate layer that can include sodium bicarbonate and other soluble inorganic or organic agents (col. 3, line 50 to col. 5, line 53). The halogen source can comprise 20-90 wt. % of the tablet (col. 6, lines 4-6).

14. Claims 1, 4, 11, 33, 36 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kibbel, Jr. et al. (3,873,685).

15. Kibbel, Jr. et al. '685 teach a chlorine-releasing tablet for treating swimming pool water, comprising a first layer of sodium dichloroisocyanurate dihydrate and a second layer of trichloroisocyanuric acid, which has an effect of lowering the ph (see table 2, page 9 of the instant specification). The layers can be present in a 1:1 ratio (col. 3, lines 3-30, col. 5, table 1).

Allowable Subject Matter

16. Claims 9, 10, 12-14, 16-18, 21, 23, 26, 27 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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17. Claims 19, 28, 41, 42 and 44-46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose layered tablets and water treatment compositions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank M. Lawrence
Primary Examiner
Art Unit 1724

Frank Lawrence 3-16-04